UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,566	10/30/2001	Naoki Tagami	112857-300	6359

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EXAMINER
ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

	Application No.	Applicant(s)
Office Action Summary	10/016,566	TAGAMI ET AL.
	Examiner	**Art Unit**	
	MICHAEL ROSWELL	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5 and 7-17* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,2,5 and 7-17* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to the amendment to the claims filed 8 September

2009.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 1 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 1 recites the limitation "said second special location" in section (c)(ii). There is

insufficient antecedent basis for this limitation in the claim. The examiner has hereinafter

interpreted "said second special location" to be "said second spatial location".

Claims 7-9 recite the limitation "at least one third user". There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claims 1-2, 5, and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Estrada et al (US Patent 6,732,148), hereinafter Estrada, in view of Hatlelid et al (US Patent

6,772,195), hereinafter Hatlelid, further in view of Bunney et al (US Patent 6,446,112),

hereinafter Bunney, further in view of Morris et al (US Patent 6,496,851), hereinafter Morris, and

further in view of Nikolovska et al (US Patent 6,281,898). The claim rejections are further

supported by mIRC Version Notes taken from http://www.mirc.co.uk/versions.txt, hereinafter

mIRC Version Notes.

Regarding claims 1 and 7-9, Estrada teaches a processor and memory device storing

instructions, which when executed by the processor, cause the processor to: maintain a user

space within the virtual space, wherein the user space comprises spatial locations that virtually

represent areas owned and occupied by a first user, storing a user space and a list of spatial

locations (the use of collaboration tools such as email, chat rooms, electronic whiteboards, or

conferencing software, at col. 1, lines 52-60. The collaboration between individuals on a project

team in the virtual space necessitates that each individual, including a first user, owns and

occupies the related spatial locations) and a list of users associated with a virtual space being

generated by a first user and includes at least one second user denied admission to the user

space and at least one third user granted admission to the user space (taught as the security of

different virtual rooms through the use of access control lists [ACLs] that determine the level of

access users are allowed for the virtual space, at col. 15, line 54 through col. 16, line 25),

where the list of predetermined spatial locations is designated by the first user (taught as the

creation of rooms and pages at col. 5, lines 50-65), placing the list of spatial locations stored at

a position in a spatial location, wherein the position is designated by the first user and other

users are able to user the list of predetermined spatial locations (taught as the "place creation"

method and database storage of col. 18, lines 14-35, which includes a user creating a room

containing pages analogous to the claimed "spatial locations", which are subsequently accessed

and navigated by other users of the room. The pages are maintained and displayed in a list, as described at col. 18, lines 56-62).

However, Estrada fails to explicitly teach notifying the first user when a second user makes a request for admission to the user space occupied by the first user, determining, based on the request for admission, whether the second user is denied admission to the user space or granted admission to the user space based on the list of users stored in the storage, and controlling admission of the second user to the user space based on a response from the first user. Estrada further fails to explicitly teach the storing of at least one list of users associated with a chat session within the user space, and teach the spatial locations being rendered as three dimensional images, wherein the spatial locations include a first spatial location rendered as a first three dimensional image and a second spatial location rendered as a second three dimensional image.

Hatlelid teaches a virtual world chat environment similar to that of Estrada. Furthermore, Hatlelid teaches notifying the first user when a second user makes a request for admission to the user space occupied by the first user (taught as the "ask permission" option by which a new user must prompt a room initiator for permission to join the chat, at col. 1, lines 1-18), and controlling admission of the second user to the user space based on a response from the first user, (inherent in that a room initiator may accept or deny a request to join a chat). Furthermore, Hatlelid explicitly teaches storing a list of users associated with a chat session within the user space (taught as the ability of a user initiating a chat session to list the usernames or other identifiers of other users invited to a chat session, at col. 5, lines 13-20). Hatlelid can further be seen to teach rendering a first spatial location and a second spatial location in three dimensions (at Figs. 1a-2b, and col. 3, line 30 through col. 4, line 62, wherein

the overall room seen in Fig. 1a comprises the first spatial location, and the individual chat

sessions found within each room comprise the second spatial location).

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Estrada and Hatlelid before him at the time the invention was made to modify the

virtual space security of Estrada to include the notifying and control means of Hatlelid. One

would have been motivated to make such a combination, as one of the goals of Estrada is to

provide increased security in a virtual space, at col. 32, lines 31-34 and lines 39-42.

However, Estrada and Hatlelid fail to explicitly teach wherein the first user controls

admission of other users within the user space for chat sessions with the first user, and the list

of users associated with a chat session including at least one second user denied admission to

the user space. Furthermore, Estrada and Hatlelid fail to explicitly teach determining, based on

the request for admission, whether the second user is denied admission to the user space or

granted admission to the user space based on the list of users.

Bunney teaches the use of Internet Relay Chat (IRC) protocol and commands similar to

the chat environments of Estrada and Hatlelid. Furthermore, Bunney teaches the inclusion of

ACLs, similar to those of Estrada, that regulate access to a chat environment (see col. 2, lines

1-3). mIRC Version Notes detail that as far back as 1995 IRC programs supported "ban lists"

for specifying which users are denied admission to a particular chat environment. Furthermore,

Bunney teaches wherein the first user controls admission of other users within the user space

for chat sessions with the first user, and determining, based on the request for admission,

whether the requesting user is denied admission to the user space or granted admission to the

user space based on the list of users, as the "ban lists" described by mIRC and the ACLs

described by Bunney are implemented for the specific reason of denying and allowing specific

users access to specific virtual spaces, as is well known in the art, and supported in mIRC (see 02/03/95 number 9) and Bunney (see col. 2, lines 1-3 and col. 11, lines 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Estrada, Hatlelid and Bunney before him at the time the invention was made to modify the chat environment of Estrada and Hatlelid to include the admission denial lists of Bunney. One would have been motivated to make such a combination for the advantage of allowing a user more control over the access to their chat environments.

Estrada, Hatlelid and Bunney fail to explicitly teach the determining, based on a time associated with the request for admission, whether the second user is denied admission to the user space based on a passing of a predetermined period of time.

Morris teaches a system for facilitating interactions between users of a computer network, similar to those of Estrada, Hatlelid and Bunney. Furthermore, Morris teaches determining, based on a time associated with a request for admission, whether a user is denied admission to the user space based on a passing of a predetermined period of time, taught as the ability for user to decline a proposal by not responding, and allowing the proposal to time out, at col. 12, lines 13-25.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Estrada, Hatlelid, Bunney and Morris before him at the time the invention was made to modify the chat room system of Estrada, Hatlelid and Bunney to include the time out decline method of Morris. One would have been motivated to make such a combination in order to allow a user more power and flexibility in accepting or declining a chat participant. See Morris, col. 3, lines 36-42.

However, Estrada, Hatlelid, Bunney, and Morris fail to explicitly teach list of spatial locations being placed in a position in said first spatial location rendered as a three-dimensional image.

Nikolovska teaches a three-dimensional user interface similar to that of Estrada, Hatlelid, Bunney, and Morris. Furthermore, Nikolovska teaches a list of spatial locations being placed in a position in said first spatial location rendered as a three-dimensional image (taught as the display and selection of available channels on a three-dimensional interface, at col. 2, line 24 through col. 2, line 44).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Estrada, Hatlelid, Bunney, Morris, and Nikolovska before him at the time the invention was made to modify the graphic chat of Estrada, Hatlelid, Bunney, and Morris to include the three-dimensional listings of Nikolovska. One would have been motivated to make such a combination for the advantage of providing an immersive and organized user interface in a three-dimensional environment. See Nikolovska, col. 1, lines 11-20.

Furthermore, combining the three dimensional list display of Nikolovska with teachings of Hatlelid can be said to teach the limitation "in response to said at least one third user selecting said second spatial location from said list of spatial locations which is placed at said position by said first user, a graphical representation of said at least one third user is moved from said first spatial location to said second spatial location". Hatlelid teaches the ability to move a user avatar from the main room as seen in Fig. 1a into the radius of a chat circle or cluster (for example Figs. 4a-4c) upon acceptance in the chat. See Hatlelid, col. 7, lines 18-57.

Regarding claim 2, Hatlelid inherently teaches providing at least one of a visual and audible notification to the first user, in that a room initiator may accept or deny a request to join a chat, and therefore the system must alert the user to the request in some fashion.

Regarding claim 5, Estrada teaches storing first entry information generated by the first user to allow other users to enter the user space (taught as the security of different virtual rooms through the use of access control lists [ACLs] that determine the level of access users are allowed for the virtual space, at col. 15, line 54 through col. 16, line 25), distributing the first entry information to the second user in response to an instruction from the first user (taught as the ability for a user to change the ACLs, at col. 16, lines 4-25).

Bunney teaches determining whether entry information used by the second user to gain access to the user space matches the first entry information when the second user uses the first entry information to make a request for admission to the user space, wherein when the entry information used by the second user matches the first entry information (taught as the use of "ban lists" and ACLs described by Bunney and mIRC), the notification is terminated, and the second user is permitted admission to the user space (taught inherently through the combination of Estrada, Hatlelid and Bunney, as a user given access rights in an ACL would inherently not need to ask permission to join a space, and therefore no notification would be necessary).

Regarding claim 10, Estrada teaches storing a list of users designated by the first user as those denied admission to a virtual space (taught as the security of different virtual rooms through the use of access control lists [ACLs] that determine the level of access users are allowed for the virtual space, at col. 15, line 54 through col. 16, line 25), determining whether the

second user is on the list when the second user makes the request for admission to the virtual

space (taught as the ACLs and room security of col. 15, line 54 through col. 16, line 26), and

terminating notification and denying the second user admission to the virtual space when it is

determined that the second user is on the list (taught inherently through the combination of

Estrada and Hatlelid, as a user denied access rights in an ACL would be denied access

accordingly, and no notification would be necessary).

Regarding claim 11, Estrada teaches storing a list of users designated by the first user

as those permitted admission to a virtual space (taught as the security of different virtual rooms

through the use of access control lists [ACLs] that determine the level of access users are

allowed for the virtual space, at col. 15, line 54 through col. 16, line 25), determining whether the

second user is on the list when the second user makes the request for admission to the virtual

space (taught as the ACLs and room security of col. 15, line 54 through col. 16, line 26), and

terminating notification and permitting the second user admission to the virtual space when it is

determined that the second user is on the list (taught inherently through the combination of

Estrada and Hatlelid, as a user given access rights in an ACL would inherently not need to ask

permission to join a space, and therefore no notification would be necessary).

Regarding claim 12, Estrada teaches storing first entry information generated by the first

user to allow other users to enter the user space (taught as the security of different virtual rooms

through the use of access control lists [ACLs] that determine the level of access users are

allowed for the virtual space, at col. 15, line 54 through col. 16, line 25), distributing the first

entry information stored in the storage means to the second user in response to an instruction

from the first user (taught as the ability for a user to change the ACLs, at col. 16, lines 4-25).

Bunney teaches determining whether entry information used by the second user to gain access to the virtual space matches the first entry information stored in the storage means when the second user uses the first entry information distributed by the distributing means to make a request for admission to the user space wherein when the determining means determines that the entry information used by the second user matches the first entry information stored in the storage means (taught as the use of "ban lists" and ACLs described by Bunney and mIRC), the notification by the notifying means is terminated, and the control means permits the second user admission to the user space (taught inherently through the combination of Estrada, Hatlelid and Bunney, as a user given access rights in an ACL would inherently not need to ask permission to join a space, and therefore no notification would be necessary).

Regarding claim 13, Estrada teaches storing a list of predetermined spatial locations in the virtual space, the spatial locations being designated by the first user, and placing the stored list in predetermined space in the virtual space in response to an instruction from the first user, taught as the security of different virtual rooms through the use of access control lists [ACLs] that determine the level of access users are allowed for the virtual space, at col. 15, line 54 through col. 16, line 25.

Regarding claims 14-17, Estrada teaches the list of spatial locations including at least one spatial location that virtually represents an area owned by a user other than the first user, as the system of Estrada allows for multiple users to create interconnected spatial locations, at col. 2, lines 22-36.

Response to Arguments

Applicant's arguments filed 8 September 2009 have been fully considered but they are not persuasive.

In response to Applicant's arguments of pages 12-15 of the remarks, the arguments against the teachings of Estrada, Hatlelid, Bunney, Morris, and Nikolovska amount to a mere allegation of patentability. Applicant has merely provided citations of the Abstracts of the aforementioned references, failing to refer to the cited portions of the prior art as found above. Therefore, absent any specific arguments with respect to the cited prior art and the language of the claims, the examiner contends that the above rejection is proper with respect to the Estrada, Hatlelid, Bunney, Morris, and Nikolovska references.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to MICHAEL ROSWELL whose telephone number is (571)272-4055. The

examiner can normally be reached on 9:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Michael Roswell
12/29/2009